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EXAMINER	
DAILEY, THOMAS J	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/700,022	ULATE ET AL.	
	Examiner	Art Unit	
	Thomas J. Dailey	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 21, 2009 has been entered.
2. Claim 61 was added by the amendment filed on April 21, 2009.
3. Claims 1-61 are pending.

Response to Arguments

4. The applicant argues with respect to independent claims 20 and 38 that Hohenacker fails to disclose automatically providing instructions to a user based upon a selected category.

5. The examiner disagrees. Hohenacker discloses automatically providing instructions to a studio user based upon a selected category ([0026]-[0027], discloses instructions given by a speech computer or telephone; and [0079] discloses category selection (e.g. sing a song, take quiz); different instructions would be required in order for the user to make different recordings).

6. Applicant's remaining arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

7. Claims 21 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 21 recites, "said database is queried." Database lacks antecedent basis in claim 21 or its parent claim, claim 20.

9. Claim 40 recites, "a talent seeker may query said category for said demographic information." It is unclear, when read in light of the specification, how a talent seeker can query a category, which according to the parent claim determines what instructions are given to the studio user (see Claim 38, lines 6-7), and receive demographic information in return.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 20-21 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hohenacker (WIPO Pub. No. WO/2002/080519 A2), hereafter "Hohenacker."**

12. Note that as Hohenacker '519 is the publication of the PCT which US PG Pub. 2005/0100311 (cited in a previous action) claims priority to (see '311 label 86 page 1: "PCT/EP02/01778" and Hohenacker '519, label 21 page 1: "PCT/EP02/01778") the examiner is utilizing US PG Pub. 2005/0100311 as the English translation of Hohenacker '519. Therefore all citations are taken from PG Pub. 2005/0100311. Support for this practice can be found in MPEP 901.05(III) which recites:

> Duplicate or substantially duplicate versions of a foreign language specification, in English or some other language known to the examiner, can sometimes be found. It is possible to cite a foreign language specification as a reference, while at the same time citing an English language version of the specification with a later date as a convenient translation if the latter is in fact a translation. Questions as to content in such cases must be settled based on the specification which was used as the reference.

13. As to claim 20, Hohenacker a method for placing a performance of a studio user on a studio site, said method comprising the steps of:

providing a studio in a public location wherein said studio comprises an audio and video recording capability ([0005], publicly accessible studio including camera and microphone [0074]);

registering to recording a performance to a studio user in said studio onto a studio server, wherein said registering comprises selecting a category ([0079], a category (e.g. sing a song, quiz, etc.) is selected which determines how the recording session will precede);

automatically providing instructions to said studio user for making a recorded performance based upon said category ([0079], instructions will be dependent on the category; e.g. a quiz will have different requirements than singing a song);

creating said recorded performance ([0063]); and

making said recorded performance accessible via streaming servers from a studio site maintained by a studio operator ([0093]).

14. As to claim 21, Hohenacker discloses wherein said database is queried for specific information prior to accessing said recorded performance ([0029]-[0030]).

15. As to claim 30, Hohenacker discloses said studio user agrees to an exclusive agency contract with a studio operator ([0081]).

16. As to claim 31, Hohenacker discloses said recorded performance consists only of a voice of said studio user ([0019]).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. **Claims 24-25, 32-33, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohenacker as applied to claim 20 in view of Chacker (US Pat. 6,578,008).**

19. As to claim 24 Hohenacker does not disclose a viewer purchases said recorded performance from a studio operator.

However, Chacker discloses a view purchasing an uploaded recorded performance from a studio operator (column 6, lines 63-65 and column 12, lines 48-53).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker and Chacker in order for the studio to use the acquired recorded performances to earn a profit.

20. As to claim 25, Hohenacker does not disclose at least one information seeker bids to enter into contract negotiations with said studio user.

However, Chacker discloses an information seeker bids to enter into contract negotiations with an uploading artist (column 7, lines 8-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker and Chacker in order recruit talent (Chacker, column 4, lines 23-26).

21. As to claim 32, Hohenacker does not disclose a menu on said studio site lists subject matter and pre-determined main categories and sub-categories.

However, Chacker discloses a menu on a studio site lists subject matter and pre-determined main categories and sub-categories (column 10, lines 30-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker and Chacker in order to create a user friendly interface by making the recorded performances more accessible.

22. As to claim 33, Hohenacker does not disclose a menu on said studio site allows user created categories and sub-categories.

However, Chacker discloses a menu on a studio site allows user created categories and sub-categories (column 10, lines 30-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker and Chacker in order to create a user friendly interface by making the recorded performances more accessible.

23. As to claim 35, Hohenacker does not disclose said site further comprises a ratings means for enabling a viewer to rate said recorded performance wherein further said ratings means prohibits said viewer from rating said recorded performance more than once.

However, Chacker discloses a ratings means for enabling a viewer to rate a recorded performance and preventing said viewer from compromising the ratings (column 7, lines 19-25, viewers trade stocks, effectively rating artists; viewers are giving a finite amount of resources to trade with).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker and Chacker in order to allow direct user input which can then translate into popularity and marketing potential of prospective artists.

24. As to claims 36, Hohenacker and Chacker disclose the invention substantially with regard to the parent claim, and further disclose an information seeker is electronically notified when ratings from one or more viewers exceeds a pre-determined ratings threshold (Chacker, column 13, lines 23-28).

25. As to claims 37, Hohenacker and Chacker disclose the invention substantially with regard to the parent claim, and further disclose a studio operator is electronically notified when ratings from said viewers exceeds a predetermined ratings threshold (Chacker, column 13, lines 23-28).

26. **Claims 22, 29, and 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hohenacker as applied to claims 20, in further view of what was well known in the art.**

27. As to claim 22, Hohenacker does not explicitly disclose parental consent is provided by said studio user prior to making said recorded performance accessible. However, Official Notice is taken that it was well known in the

art to first have the parental consent of minors prior to distribution of any their recorded performance, as it is usually required by law. Therefore it would have been obvious to incorporate this feature into Hohenacker's system so as to allow minors to fully utilize all the features and comply with known laws.

28. As to claim 29, Hohenacker does not disclose said audio and video recorder enables said studio user to transmit only one recording from at least two performances recorded by said studio user in said studio.

However, allowing a user to make multiple recordings and uploading only one of those recording to a remote site would have been an obvious modification to one of ordinary skill in the art given the teachings of Hohenacker. Specifically, it is a common practice in the art to review, and if necessary rerecord poor performances, and only utilize one of the recordings. Therefore, Official Notice (see MPEP 2144.03) is taken that practice was well known in the art and is implemented in order allow the user to make errors and correct those errors.

29. As to claim 34, Hohenacker does not disclose video conferencing between at least two studio users in at least two studios. However, Official Notice is taken that it was well known in the art to teleconference between two separate video studios. Therefore, given the teachings of Hohenacker's

geographically separate studios connected to the Internet, it would have been obvious to one of ordinary skill in the art at the time of the invention allow video conferencing between those studios thereby creating broader appeal to the general public.

30. **Claims 23, 27, 28, 38-40, 43, 44, 46-47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohenacker in view of Chu et al (US Pat. 6,086,380), hereafter "Chu."**

31. As to claim 38, Hohenacker discloses a method of recruiting talent comprising:

providing an studio in a public place for at least one studio user to record a performance ([0005], publicly accessible studio including camera and microphone [0074]);

registering to recording said performance in said studio on a studio server, wherein said registering comprises selecting a category ([0079], a category (e.g. sing a song, quiz, etc.) is selected which determines how the recording session will precede);

automatically providing instructions to said studio user for making a recorded performance based upon said category ([0079], instructions will be dependent on the category; e.g. a quiz will have different requirements than singing a song);

making a recorded performance ([0063]);

transmitting said recorded performance to an information seeker ([0093]).

But, Hohenacker does not explicitly disclose the studio is both enclosed and in a public place, which provides for a private recorded performance.

However, Chu discloses a recording studio that is both enclosed and in a public place, which provides for a private recorded performance (Fig. 1 and column 2, lines 39-48).

Therefore it would have been obvious at the time of the invention to combine the teachings of Hohenacker and Chu in order to provide for privacy when giving a recorded performance thus improving the overall user experience.

32. As to claim 23, Hohenacker discloses the parent claim 20 but may not explicitly discloses a professional media kit is produced from said input information and said recorded performance.

However, Chu discloses a professional media kit is produced from said input information and said recorded performance (column 16, lines 25-39, CD or VCR is made at the conclusion of the performance).

Therefore it would have been obvious at the time of the invention to combine the teachings of Hohenacker and Chu in order to increase revenue generation by provided a physical product to sell, e.g. CDs.

33. As to claims 27-28, Hohenacker discloses the parent claim 20 but does not explicitly disclose said recorded performance is made using a Karaoke-style database where a studio user simultaneously views said recorded performance.

However, Chu discloses said recorded performance is made using a Karaoke-style database where a studio user simultaneously views said recorded performance (Abstract, Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker and Chu in order to appeal to a larger audience, specifically those interested in Karaoke.

34. As to claim 39, Hohenacker discloses said studio user further provides demographic information ([0030]).

35. As to claim 40, Hohenacker discloses a talent seeker may query said category for said demographic information ([0030]).

36. As to claim 43, Hohenacker discloses said demographic information is transmitted to a talent seeker ([0030]).

37. As to claim 44, Hohenacker discloses a professional media kit is produced from said input information and said recorded performance ([0046]).

38. As to claim 46, Chu discloses said recording is achieved with a Karaoke-style database whereby music is transmitted through at least one speaker inside said studio and words are displayed on a video/teleprompter screen (Abstract, Fig. 1).

39. As to claim 47, Hohenacker discloses said recording is achieved in an interview fashion whereby questions are transmitted through at least one speaker ([0008]).

40. As to claim 49, Hohenacker discloses said information seeker at further views said recorded performance from an internet connection ([0040]).

41. **Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hohenacker as applied to claim 20, in view of Foroutan (US Pat. 7,162,433).**

42. As to claim 26, Hohenacker discloses the parent claim 20, but does not explicitly disclose said recorded performance is reviewed by a personal coach.

However, Foroutan discloses said recorded performance is reviewed by a personal coach (column 18, lines 18-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker and Foroutan in order to allow industry experts to review and provide feedback to aspiring talent so as to improve the overall user experience.

43. **Claims 41-42 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohenacker in view of Chu, as applied to claim 38, in view of what is well known in the art.**

44. As to claims 41 and 42, Hohenacker and Chu do not disclose said studio user or a talent seeker pays a subscription to provide said demographic information.

However, charging a subscription fee for desired data that has been acquired is a common practice in the art. Therefore, Official Notice (see MPEP 2144.03) is taken that it would have been an obvious modification to one of ordinary skill in the art at the time of the invention to charge

subscription fees to users wishing to access the data acquired by the remote studios.

45. As to claim 61, Hohenacker and Chu do not disclose video conferencing between at least two studio users in at least two studios. However, Official Notice is taken that it was well known in the art to teleconference between two separate studios. Therefore, given the teachings of Hohenacker's geographically separate studios, it would have been obvious to one of ordinary skill in the art at the time of the invention allow video conferencing between those studios thereby creating broader appeal to the general public.

46. **Claims 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohenacker in view of Chu as applied to claim 38, in view of Chacker (US Pat. 6,578,008).**

47. As to claim 48, Hohenacker and Chu do not disclose a menu on said studio site lists subject matter and pre-determined main categories and sub-categories.

However, Chacker discloses a menu on a studio site lists subject matter and pre-determined main categories and sub-categories (column 10, lines 30-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker, Chu, and Chacker in order to create a user friendly interface by making the recorded performances more accessible.

48. As to claim 50, Hohenacker and Chu do not disclose said site further comprises a ratings means for enabling a viewer to rate said recorded performance wherein further said ratings means prohibits said viewer from rating said recorded performance more than once.

However, Chacker discloses a ratings means for enabling a viewer to rate a recorded performance and preventing said viewer from compromising the ratings (column 7, lines 19-25, viewers trade stocks, effectively rating artists; viewers are giving a finite amount of resources to trade with).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker, Chu, and Chacker in order to allow direct user input which can then translate into popularity and marketing potential of prospective artists.

49. **Claims 1-6, 8-10, 13, 16, 45, 51-54, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al (US Pat. 6,086,380), hereafter "Chu," and Hohenacker (WIPO Pub. No. WO/2002/080519 A2), hereafter "Hohenacker," in further view of Foroutan (US Pat. 7,162,433).**

50. As to claim 1, Chu discloses an interactive personal service provider for video communication having a studio (Fig. 1 and column 6, lines 32-37) comprising:

an audio and video recorder to record at least one performance thereby making a recorded performance (column 6, lines 58-61 and column 7, lines 28-31; video camera and microphone record performance;

at least one computer server for storing said recorded performance (column 15, line 66-column 16, line 11) computer stores recorded performance) further comprising:

an audio and video player to preview said recorded performance (column 4, lines 47-56); and

a database to receive input information from a studio user that relates to said recorded performance (column 12, lines 34-48, a studio user inputs various information in order to make selections in regards to their performance).

But, Chu does not disclose the computer server further comprises a communication connection to transmit said recorded performance to a studio server in communication with a streaming server wherein said site enable a plurality of viewers to view said recorded performance from said streaming server.

However, Hohenacker discloses a computer server comprising a communication connection transmitting a recorded performance to a studio server (Abstract and [0040]) in communication with a streaming server wherein said site enable a plurality of viewers to view said recorded performance from said streaming server ([0042], Internet server reads on streaming server).

Therefore it would have been obvious at the time of the invention to combine the teachings of Chu and Hohenacker in order to provide recorded performances to remote locations whereupon a larger audience will be exposed to a user's performance.

But, neither Chu nor Hohenacker disclose that said recorded performance is automatically categorized into a category on said studio site based on input information provided by the studio user on the streaming server.

However, Foroutan discloses that said that said recorded performance is automatically categorized into a category on said studio site based on input information provided by the studio user on the streaming server (column 30, lines 30-49, an artist submits a song (recorded performance) and inputs information in regards to which genre or category the song belongs and is stored in a database with that information available to be used by reviewers; further the TPICS server is available over a network, see Fig. 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Chu and Hohenacker with Fouroutan in order to allow reviewers of recorded performances to view performances in genres or categories they would like to view.

51. As to claim 51, Chu discloses an apparatus for distributing information to at least one information seeker said apparatus comprising:

a studio booth equipped with an audio and video recording device and located in a publicly accessible location column 6, lines 58-61 and column 7, lines 28-31; video camera and microphone record performance);

an audio and video player to preview said recorded performance(column 4, lines 47-56); and

a studio site having a studio server capable of re-encoding said recorded performance into a different media file connected to the studio booth (column 16, line 26-38) wherein a plurality of studio users can access the studio booth to upload said recorded performance (Abstract, anyone who pays the appropriate fees may use the booth).

But, Chu does not disclose multiple studio booths and a streaming server connected to said studio site to transmit said recorded performance.

However, Hohenacker discloses multiple studio booths ([0001]) a computer server comprising a communication connection transmitting a recorded performance to a studio server (Abstract and [0040]) in communication with a streaming server wherein said site enable a plurality of viewers to view said recorded performance from said streaming server ([0042], Internet server reads on streaming server).

Therefore it would have been obvious at the time of the invention to combine the teachings of Chu and Hohenacker in order to provide recorded performances to remote locations whereupon a larger audience will be exposed to a user's performance.

But, neither Chu nor Hohenacker disclose that said recorded performance is automatically categorized into a category on said studio site.

However, Foroutan discloses that said that said recorded performance is automatically categorized into a category on said studio site based on input information provided by the studio user on the streaming server (column 30, lines 30-49, an artist submits a song (recorded performance) and inputs information in regards to which genre or category the song belongs and is stored in a database with that information available to be used by reviewers; further the TPICS server is available over a network, see Fig. 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Chu and Hohenacker with Fouroutan in order to allow reviewers of recorded performances to view performances in genres or categories they would like to view.

52. As to claims 2 and 57, Fouroutan discloses a studio operator can query said database said category for criteria specified by an information seeker (column 30, lines 30-49).

53. As to claim 3, Hohenacker discloses a viewer is restricted from viewing said input information of said studio user on said site ([0093]).

54. As to claims 4 and 58, Foroutan discloses a viewer purchases said recorded performance from a studio operator (column 16, lines 6-18).

55. As to claim 5, Hohenacker discloses a professional media kit is produced from said input information and said recorded performance ([0046]).

56. As to claim 6, Foroutan discloses an information seeker can query said input information (column 30, lines 30-49).

57. As to claim 8, Foroutan discloses said recorded performance is reviewed by a personal coach (column 18, lines 18-32).

58. As to claim 9, Hohenacker discloses said recorded performance comprises a Karaoke-style performance performed in said studio ([0079]).

59. As to claim 10, Chu discloses said studio is substantially soundproof (Fig. 1, and column 2, lines 39-48).

60. As to claims 13 and 53-54, Hohenacker discloses said studio site comprises a website ([0050]).

61. As to claims 16 and 60, Hohenacker discloses a live video conferencing capability ([0079]).

62. As to claim 45, Hohenacker and Chu discloses the parent claim 38, but do not explicitly disclose said recorded performance is reviewed by a personal coach.

However, Foroutan discloses said recorded performance is reviewed by a personal coach (column 18, lines 18-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker and Chu with Foroutan in order to allow industry experts to review and provide feedback to aspiring talent so as to improve the overall user experience.

63. As to claim 59, Hohenacker discloses said recorded performance comprises at least two studio users in at least two separate locations ([0001]).

64. As to claim 52, it is rejected by the same rationale set forth in claim 1's rejection.

65. **Claims 7, 12, 14-15, 17-19, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu, Hohenacker, and Foroutan**

as applied to claims 1 and 51, in further view of Chacker (US Pat. 6,578,008).

66. As to claim 7, Hohenacker, Chu, and Foroutan do not disclose at least one information seeker bids to enter into contract negotiations with said studio user.

However, Chacker discloses an information seeker bids to enter into contract negotiations with an uploading artist (column 7, lines 8-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker, Chu, and Foroutan with Chacker in order recruit talent (Chacker, column 4, lines 23-26).

67. As to claim 12, Hohenacker, Chu, and Foroutan do not disclose said studio user electronically contracts with said studio operator for an exclusive agency contract for said recorded performance.

However, Chacker discloses an uploading artist electronically contracts with a studio operator for an exclusive agency contract for an uploaded performance (column 7, lines 8-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker, Chu, and Foroutan with in order to recruit talent (Chacker, column 4, lines 23-26).

68. As to claims 14 and 55, Hohenacker, Chu, and Foroutan do not disclose a menu on said studio site lists subject matter and pre-determined main categories and sub-categories.

However, Chacker discloses a menu on a studio site lists subject matter and pre-determined main categories and sub-categories (column 10, lines 30-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker, Chu, and Foroutan with Chacker in order to create a user friendly interface by making the recorded performances more accessible.

69. As to claim 15, Hohenacker, Chu, and Foroutan do not disclose a menu on said studio site allows user created categories and sub-categories.

However, Chacker discloses a menu on a studio site allows user created categories and sub-categories (column 10, lines 30-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker, Chu, and Foroutan with Chacker in order to create a user friendly interface by making the recorded performances more accessible.

70. As to claims 17 and 56, Hohenacker, Chu, and Foroutan do not disclose said site further comprises a ratings means for enabling a viewer to rate said recorded performance wherein further said ratings means prohibits said viewer from rating said recorded performance more than once.

However, Chacker discloses a ratings means for enabling a viewer to rate a recorded performance and preventing said viewer from compromising the ratings (column 7, lines 19-25, viewers trade stocks, effectively rating artists; viewers are giving a finite amount of resources to trade with).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hohenacker, Chu, and Foroutan with Chacker in order to allow direct user input which can then translate into popularity and marketing potential of prospective artists.

71. As to claim 18, Chacker discloses an information seeker is electronically notified when ratings from one or more viewers exceeds a pre-determined ratings threshold (Chacker, column 13, lines 23-28).

72. As to claim 19, Chacker discloses a studio operator is electronically notified when ratings from said viewers exceeds a predetermined ratings threshold (Chacker, column 13, lines 23-28).

73. **Claims 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu, Hohenacker, Foroutan, as applied to claim 1, in view of what was well known in the art.**

74. As to claim 11, Hohenacker, Chu, and Foroutan do not disclose said audio and video recorder enables said studio user to transmit only one recording from at least two performances recorded by said studio user in said studio.

However, allowing a user to make multiple recordings and uploading only one of those recording to a remote site would have been an obvious modification to one of ordinary skill in the art given the teachings of Chu, which allows for previews. Specifically, it is a common practice in the art to review, and if necessary rerecord poor performances, and only utilize one of the recordings. Therefore, Official Notice (see MPEP 2144.03) is

taken that practice was well known in the art and is implemented in order allow the user to make errors and correct those errors.

Conclusion

75. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

76. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

77. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2452

/Dohm Chankong/
Primary Examiner, Art Unit 2452